



MASSACHUSETTS WORKERS' COMPENSATION ADVISORY COUNCIL

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JOHN A. PULGINI
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TODD R. JOHNSON
VICE-CHAIR

MAUREEN O'CONNELL
EXECUTIVE DIRECTOR

MINUTES

May 14, 2025

Via WebEx

Present: Attendees: John Pulgini, Todd Johnson, Michael Hess, Teri McHugh, Jim Steenbruggen, Stephen Falvey, Michael Kelley, and Bernie Mulholland; Sheri Bowles - DIA Director, Bill Taupier – DIA Director of Administration, General Counsel Philip Imbrescia, WCTF Director Holly Anderson, Jeanne Natale - DIA Director of Operations, Jon Solomon - DIA Director of Investigations, Vinnie Lopes - DIA Worcester, Shamia Monroe - DIA Fall River, Maryann Brunton -DIA Springfield; Laura Kirchberg - WCRIB; MaryBeth McGrath - Human Resources Division; Attorney Patrick Francomano, Attorney Kerry Nero, Attorney AnaMari DeGaravilla; Emily Spieler; Julie Bowler; and Maureen O'Connell.

Date: May 14, 2025
Location: Department of Industrial Accidents - **via WebEx**
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111
Time: 9:00 A.M.

1. CHAIRMAN'S WELCOME

2. DIA UPDATE

- A. Director's Update - Sheri Bowles, Director
- B. DIA Judicial Update - Senior Judge Omar Hernández, Senior Judge
 - o Conference/Hearing/Reviewing Board Queue
 - o Impartial Medical Exams/Physicians
- C. DIA Vital Statistics - Bill Taupier, Director of Administration
 - o Cases Filed with DIA
 - o Workers' Compensation Trust Fund
 - o Personnel Update
 - o Enforcement and Compliance

3. EXECUTIVE DIRECTOR'S UPDATE

- o 2025-26 Legislation
- o Council Member Appointments

4. ACTION ITEMS

- o Minutes - April 9, 2025

Chairman John Pulgini began the meeting at 9:02am with the roll call, only 5 voting members in attendance, 7 members total. Vice Chair Todd Johnson mentioned that Council Member Stephen Joyce resigned in April.

Director Sheri Bowles presented first. Director Sheri Bowles provided a brief update - the DIA is engaging with Deloitte on the upcoming fiscal year assessments. The DIA Springfield office lease has been signed by all parties and the DIA is working with the DCAMM project manager on the construction timeline buildout, no timeframe set, but Director Bowles will keep the Council and guests informed with new information. The DIA is working with EOLWD Secretary Jones' office on the medical fees and will provide an update when one becomes available. Lastly, the DIA welcomes a few new employees: Ralph Fiore - Investigator, Caity MacMillan - MA Registered Apprenticeship Investigator, Katherine "Kate" Koeller - Legal, and Elizabeth Ospina - Vocational Rehabilitation.

Without questions for Director Bowles, the floor was directed to Senior Judge Omar Hernández.

Senior Judge Hernández mentioned that the conciliation numbers are holding steady at 52%, this is a credit to Dele Edibiri and his great staff. The queues are down, credit to the MA Bar who are resolving cases through mediation and rules within the Administrative Bulletin. The Dispute Resolution Unit is working to resolve cases while the DIA is short two judges. An update on the judicial interviews - the nominating panel is working to schedule interviews late July 2025 for one judicial vacancy and four reappointments, and will coordinate dates with the Advisory Council.

Without questions for Senior Judge Hernández the floor was directed to Bill Taupier, Director of Administration.

Mr. Taupier presented the Monthly Statistical Report Card slide deck for the Department of Industrial Accident (DIA) units.

With respect to conciliations, in April 493 cases were resolved (51.5%) and 464 were referred to conference. The average waiting period for a conference is 12-28 weeks. Dispute Resolution: fluctuations in the conference & hearing queues will depend upon number of cases being referred from conciliation, conference order appeals, judges scheduling cycles, continuance requests and regional variations.

With respect to the April conference queue, there are 1,214 and 1,887 in the hearing queue for April. There have been 5,683 continuances as of April 30, 2025. Conferences scheduled: 444, Hearings scheduled: 579. These are a rolling total, not a cumulative total. The number of conferences scheduled: 568, hearings scheduled 191, orders issued 206 and appeals to reviewing board: 2.

With respect to the pending hearing decisions, there were 8. Review Board inventory: 26, Fee waivers granted: 52, Exam fees collected: \$1,033,275, Attorneys fees: \$75,421,109, Referral fees: \$3,028,549, and Section 7/8 penalties: \$0. Note: Attorneys fees are not paid by the DIA, these fees are paid by the insurer to the claimant's counsel at certain stages of the dispute resolution process.

First Report of Injury (FROI) filings for FY'25 were 26,341 **(0.85% of the working population)** with 2,443 for the month of April. The number of Cases filed for April 2025 was 913. Cases filed by type: 8,504 total cases, 6,881 employee claims, 1,486 in Insurance discontinuances, and 137 third-party claims.

Mr. Taupier provided statistics on compliance and enforcement for FY'25: 14,987 compliance letters, 38,400 field checks, and 29,780 office checks. In April, there were 6,063 compliance checks, 278 field investigations conducted,

1,564 more employees newly covered by workers' compensation, who were not previously covered by a policy. There were 129 Stop Work Orders, this includes 5 default - There were 1,310 compliance letters sent in April 2025 - **one employer found out of compliance has 1,000 employees.** 6,389 workers' covered by workers' compensation insurance as of FY'25. 1,077 SWOs issued year-to-date, and fine collection was \$597,315. There were 97 total uninsured injuries, with 44 laborer (occupation), with 43 in the construction industry.

Regarding the Workers' Compensation Trust Fund, out of a budget of \$9,800,000 there were \$5,392,592 in payments against open claims and there was \$468,012 recovered by the Civil Litigation Unit. Please note, the claims paid in the current fiscal year may have occurred in the prior fiscal year. The Civil Litigation Unit make every effort to recover monies owed by utilizing the authority of M.G.L. Chapter 152 to recover money paid on uninsured claims through legal action against the employer in question. For comparative reasons, the left hand side is benefits side with budget, and on the right hand side is civil recovery. Please note, claims may be determined to be insured or underinsured after they've been filed. Mr. Taupier explained that the laborers occupation is not limited to construction.

The Second Injury budget is \$30,700,000 (**a budget reduction since last month**) and payments made were \$22,851,644. Chart shows dollars paid for Sec. 37 /37A Claims (including quarterly payments and interest) by Fiscal Year. Sec. 37/37A claims are filed by insurers who are seeking reimbursement up to 75% of benefits paid for a second injury per the statute. In addition, the numbers indicate final payments have been registered in the state accounting system known as MMARS. Additional payments may be in process and are not yet registered in MMARS at the time of this publication.

COLA reimbursements were \$5,495,637 with a \$16,000,000 budget. Filings will begin before the fiscal year ends. These numbers lag throughout the fiscal year. The dollar amounts indicate the final payments that have been registered in the state accounting system known as MMARS. Additional payments are often in process that have not yet registered in MMARS at the time of this publication.

Assessment collection budget is \$79,000,000 with a payment of \$55,855,094. Mr. Taupier added that the department will reach its fiscal year goal. **Assessments represent 90-92% of all DIA revenue annually.**

Personnel: there were 202 employees (68 Administration, 77 dispute, 16 legal, 31 WCTF, and 10 finance). Through the Massachusetts Registered Apprenticeship Program an investigator apprentice was launched in the Investigation Unit, and will be a pathway to an investigation position. Slide deck has been adjusted to reflect breakdown of personnel. Staff: paid from either the General Appropriation Account or the WCTF depending upon their job. These numbers reflect full-time and part-time employees as of the close of the month.

Without questions for Mr. Taupier the floor was directed to Executive Director Maureen O'Connell.

Good Morning, everyone. Executive Director O'Connell provided a status update on the legislation for this year and asked if bills on wages, independent contractors, and definition of employees should still be monitored - CouncilMembers confirmed that these bills should still be monitored. Executive Director O'Connell mentioned that additional bills were being monitored on heat related injuries and illnesses. As earlier mentioned Council Member Stephen Joyce has resigned as of April 29, 2025 - and the Executive Office is working with Boards and Commission on filling this Labor Representative vacancy on the Council - both voting and non-voting positions, and is also working on reappointing Council Members who are operating in expired terms. Given that there is another vacancy we are concerned about a quorum - currently there are only 8 voting on the Council and 7 is required to vote on matters

before the Council.

Council Member Stephen Falvey asked if the Council could be sent a list of the vacant seats. Executive Director O'Connell will provide an update to the Council.

Without questions for Executive Director O'Connell and without a quorum present, Council Members were not able to vote on the April 9, 2025 minutes, and Chairman Pulgini ended the meeting at 9:18am.